

conception and diligence from before the date of the reference to filing effectively removes the Tandem article from the pool of available prior art under 35 U.S.C. § 102(a).

Microsoft Press Computer Dictionary

The Patent Office cited the Microsoft Press Computer Dictionary, Third Edition (hereinafter "Microsoft Dictionary"), as providing guidance as to terms used in the Tandem Article. Applicant notes that the copyright notice of the Microsoft Dictionary cited in 1997 which is after the date of publication of the Tandem Article dated October 21, 1996. If the Patent Office intends to use the Microsoft Dictionary to support an interpretation of a term in the Tandem Article, the Patent Office must show that such term had such meaning to one of ordinary skill in the art at the time of publication of the Tandem Article, not at least several months thereafter. Also, the Declaration also effectively removes this reference from the pool of available prior art.

Other Remarks

Both claim 29 and claim 49, the two independent claims from which all other pending claims in this application depend from, contain several elements that are not disclosed either expressly or inherently by the Tandem Article as is required to maintain a § 102 rejection.

Claims 29 and 49 require an "interactive graphical user interface" at the fueling position on a fuel dispenser. The Tandem Article makes references to a kiosk with Internet access on page 2, but nowhere is there a suggestion or discussion of the kiosk or the Internet service being incorporated into or delivered to a fuel dispenser. The only visual information disclosed in the Tandem Article that delivered from the Windows NT server to the fuel dispenser (called "gas pump" in article) for display is "customized messages" that are delivered to "gas pump video screens." However, there is no discussion or suggestion of the video screen providing interactivity with the customer as required by claims 29 and 49. The Windows NT system in the Tandem Article is described as being able to interface with fuel dispensers, but only with respect to "video-on-demand" – not interactive video. The Tandem Article only suggests that the visual information displayed on the visual screen on the fuel dispenser is informational only instead of

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interactive, such as "reflect[ing] a card user's previous buying patterns, alerting them [customers] to specials on their favor brand items."

Claims 29 and 49 further require the step of the customer inputting a selection in response to the visual display. The Tandem Article does not teach or suggest the customer interacting in response to the video display on the fuel dispenser.

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Further, claims 29 and 49 require the step of transferring the customer response from the fuel dispenser, in relation to the visual information interactively displayed to the customer, over a network and the service being transmitted back to the fuel dispenser. These steps are not disclosed in the Tandem Article as well.

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In summary, the Tandem Article does not disclose either expressly or inherently each and every limitation of the independent claims 29 and 49 and therefore does not anticipate claims 29-35 or 49-55.

Respectfully submitted,

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